

### REMARKS

Claims 1-19 are pending. Applicants elect Group I (claims 1, 3-5, 7 and 14-16) with traverse for examination on the merits. Applicants reserve the right to prosecute nonelected subject matter in a further patent application.

Reconsideration of the restriction requirement is requested.

Since the instant application was filed under 35 U.S.C. 371, the PCT rules regarding "unity of invention" apply. The administrative instructions regarding unity of invention states that unity exists between a protein and its DNA sequence. Quoting from the MPEP, "Instructions Concerning Unity of Invention" (See MPEP, Appendix AI, Annex B, Part II, Example 17, which describes the case of exemplary claims reading "a protein X" and "a DNA sequence encoding protein X"):

"Expression of the DNA sequence in a host results in the production of a protein which is determined by the DNA sequence. The protein and the DNA sequence exhibit corresponding special technical features. Unity between claims 1 and 2 is accepted." (emphasis added)

The Examiner alleges that the protein of Group II should be separated from the DNA-related inventions of Group I, based only on the difference between functions of these two types of molecules. In light of the above regulation, Applicants believe that the Examiner's restriction practice is in error. Furthermore, it would not constitute an undue burden to search and examine the DNA-related inventions of Group I and the protein of Group II in the same application. Applicants respectfully request the examination of these two groups together in a single application.

With respect to the restriction of method claims 8, 9, 11 and 12 into four different groups, Applicants believe that these claims do indeed all share the same special technical features, namely use of the novel protein of SEQ ID NO:2 or 4. In addition, the steps required in all these methods are quite similar and substantially overlap each other. For example, the method of claim 9 differs from that of claim 8 only in that the method requires the use of Reg protein. Also, the only difference between claims 9 and 11 is that the protein of SEQ ID NO:2 or 4 is an isolated molecule or in the form of being bound to a cell surface. Therefore, it would not constitute an undue burden to search

and examine these claims in the same application. In summary, these claims should be examined as a single group.

In conclusion, contrary to the Examiner's suggestion, Applicants respectfully request the examination of Groups I and II together, and Groups VII – X together. Consideration of the Examiner's restriction requirement and his acknowledgment that the claims are properly grouped as the foregoing are requested.

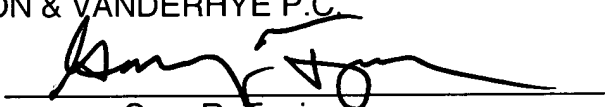
Thus, although the inventions identified by the Examiner are separately patentable, it would not constitute an undue burden to search and examine at least claims 1-7 and 14-19 in the same application as well as claims 8-9 and 11-12. Both the need for compact prosecution and the public interest would be served by examination of all claims in a single application.

Applicants earnestly solicit an early and favorable examination on the merits. The Examiner is invited to contact the undersigned if any further information is required.

Respectfully submitted,

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